

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 APR 30 AM 9:29

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ernesto Arturo TORRES

Defendant.

'08 MJ 1350

Magistrate Case No. _____

COMPLAINT FOR VIOLATION OF

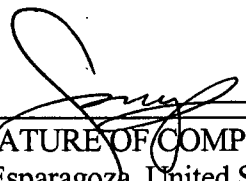
Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien(s)
Without Presentation


DEPUTY

The undersigned complainant being duly sworn states:

On or about **April 28, 2008**, within the Southern District of California, defendant, **Ernesto Arturo TORRES** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Berta Elisa GARCIA-Gonzalez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **30th** DAY OF
APRIL, 2008.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Berta Elisa GARCIA-Gonzalez** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 28, 2008 at about 2250 hours, **Ernesto Arturo TORRES (Defendant)** applied for entry into the United States from Mexico through the Otay Mesa Port of Entry. Defendant was the driver and sole visible occupant of a 1990 Jeep Cherokee Laredo. Defendant gave a negative Customs declaration to a Customs and Border Protection (CBP) Officer and claimed ownership of the vehicle for three months. Defendant stated he was visiting his girlfriend in Tijuana. The CBP Officer requested documentation for the vehicle but Defendant was unable to provide it. Defendant stated he was going to Long Beach, California. The CBP Officer subsequently escorted Defendant and the vehicle to secondary for further inspection.

In secondary, a CBP Officer pressed on the rear seat of the vehicle and noticed there was no support, as the upholstery sank to the floor of the vehicle. The CBP Officer also discovered what appeared to be a piece of sheet metal protruding from the undercarriage of the vehicle. Another CBP Officer lifted the upholstery on the rear seat and discovered a female concealed in a non-factory compartment. The female was determined to be a citizen of Guatemala without legal documents to enter the United States and is now identified as **Berta Elisa GARCIA-Gonzalez (Material Witness)**.

During a videotaped proceeding, Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted knowledge of the alien smuggling act. Defendant admitted he was to receive \$400.00 (USD) to smuggle one alien into the United States. Defendant admitted he was to deliver the vehicle and alien to the Palomar Street Trolley Station in Chula Vista, California and receive payment.

During a videotaped interview, Material Witness admitted she is a citizen of Guatemala without entitlements to enter or reside in the United States. Material Witness stated she was to pay \$3,000.00 to \$4000.00 USD to be smuggled into the United States. Material Witness stated she was going to Los Angeles, California to seek employment and establish residency.